

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

**GAINEY TRANSPORTATION SERVICES, INC.**<sup>1/</sup>

**Employer**

**and**

**CASE GR-7-RC-22193**

**GENERAL TEAMSTERS UNION,  
LOCAL NO. 406, INTERNATIONAL  
BROTHERHOOD OF TEAMSTERS, AFL-CIO**  
**Petitioner**

**DECISION AND DIRECTION OF ELECTION**

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, hereinafter referred to as the Act, a hearing was held before a hearing officer of the National Labor Relations Board, hereinafter referred to as the Board.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the undersigned.

Upon the entire record in this proceeding, the undersigned finds:<sup>2/</sup>

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

2. The Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction herein.

3. The labor organization(s) involved claim(s) to represent certain employees of the Employer.

4. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Sections 2(6) and (7) of the Act.

5. The following employees of the Employer constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:<sup>3/</sup>

## DIRECTION OF ELECTION

An election by secret ballot shall be conducted under the direction and supervision of the undersigned among the employees in the unit(s) found appropriate at the time and place set forth in the notice of election to be issued subsequently, subject to the Board's Rules and Regulations. Eligible to vote are those in the unit(s) who were employed during the payroll period ending immediately preceding the date of this Decision,<sup>4/</sup> including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Also eligible are employees engaged in an economic strike which commenced less than 12 months before the election date and who retained their status as such during the eligibility period and their replacements. Those in the military service of the United States may vote if they appear in person at the polls. Ineligible to vote are employees who have quit or been discharged for cause since the designated payroll period, employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date and employees engaged in an economic strike which commenced more than 12 months before the election date and who have been permanently replaced. Those eligible shall vote whether or not they desire to be represented for collective bargaining purposes by:

### GENERAL TEAMSTERS UNION, LOCAL NO. 406, INTERNATIONAL BROTHERHOOD OF TEAMSTERS, AFL-CIO

#### LIST OF VOTERS\*

In order to insure that all eligible voters may have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to a list of voters and their addresses which may be used to communicate with them. *Excelsior Underwear, Inc.*, 156 NLRB 1236 (1966); *N.L.R.B. v. Wyman-Gordon Company*, 394 U.S. 759 (1969); *North Macon Health Care Facility*, 315 NLRB 359 (1994). Accordingly, it is hereby directed that within 7 days of the date of this Decision 2 copies of an election eligibility list, containing the full names and addresses of all the eligible voters, shall be filed by the Employer with the undersigned who shall make the list available to all parties to the election. The list must be of sufficient clarity to be clearly legible. The list may be submitted by facsimile transmission, in which case only one copy need be submitted. In order to be timely filed, such list must be received in the **GRAND RAPIDS RESIDENT OFFICE** on or before April 4, 2002. No extension of time to file this list shall be granted except in extraordinary circumstances, nor shall the filing of a request for review operate to stay the requirement here imposed.

#### RIGHT TO REQUEST REVIEW

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the **Executive Secretary, Franklin Court, 1099 14th Street N.W., Washington D.C. 20570**. This request must be received by the Board in Washington by April 11, 2002.



Dated March 28, 2002

at Detroit, Michigan

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Regional Director, Region Seven

**Section 103.20 of the Board's Rules concerns the posting of election notices.  
Your attention is directed to the attached copy of that Section.**

\*If the election involves professional and nonprofessional employees, it is requested that separate lists be submitted for each voting group.

- 1/ The name of the Employer appears as amended at the hearing.
- 2/ The Employer filed a brief, which was carefully considered.
- 3/ The parties stipulated to the following appropriate unit, which consists of approximately 17 employees:

All full-time and regular part-time mechanics employed by the Employer at its 5976 Clay SW, Grand Rapids, Michigan, facility, but excluding all managerial employees, guards, and supervisors as defined in the Act, and all other employees.

4/ The only issue preventing the parties from entering into an election agreement was the appropriate eligibility date. Since the selection of an eligibility date is an administrative matter, the hearing officer properly refused to allow the parties to submit evidence on the issue. In its brief, the Employer contends that the selection of an eligibility date should await its hiring of unit employees to fill two vacant mechanic positions. I find this to be insufficient reason to depart from the use of the traditional eligibility date in a case where an election is directed by the undersigned.

393-6068-9000  
393-6081-6075